



Historic Town of Hyde Park

Planning Board
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“Working with you for a better Hyde Park”

DRAFT MINUTES OF THE **MAY 17, 2017** PUBLIC HEARING/REGULAR MEETING OF THE HYDE PARK PLANNING BOARD

MEMBERS PRESENT: MICHAEL DUPREE, CHAIRMAN
 ANNE DEXTER - VICE CHAIR
 CHAN MURPHEY-VICE CHAIR
 BRENT PICKETT
 DIANE DI NAPOLI
 VICTORIA KANE
 CHRISTOPHER OLIVER
 ROBERT WATERS-ALTERNATE

OTHERS PRESENT: VICTORIA POLIDORO, PB ATTORNEY
 PETE SETARO, PB ENGINEERING CONSULTANT
 CYNTHIA WITMAN, PLANNING BOARD SECRETARY

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Chairman Dupree: Good evening everyone and welcome to the May 17th meeting of the Hyde Park Planning Board. Please take note of exits around the room in case of emergency and now join me as we salute the Stars and Stripes. *Chairman Dupree commenced the Pledge of Allegiance.*

Thank you. Before we begin a quick housekeeping note. I think maybe you can hear that we have new microphones. I want to salute and thank the Media Committee. Particularly, Herb and Barb Sweet for all the years of televising these planning Board meetings. I think it's been either 7 or 8 years that they've been doing this and I can only recall one meeting that they missed in all that time, which is fantastic. It's a great service to the community. I also want to thank the Town Board for deciding to hire a company to televise both our meetings and the Town Board meetings and maybe even the ZBA, we'll see. A second item, I want to congratulate Mr. Murphey, our colleague for receiving a Hyde Park Visual Environment Committee Beautification Award for his residence. For people who don't know what these are, the Visual Environment Committee, every other year does a survey and gives awards to residences, businesses, landscapes, stone walls, signage, going green, a variety of categories to help celebrate what's new and good around the town. Mr. Murphey redid their house after the fire and he did a fantastic job and he was recognized. Our recused member for the moment, got a landscaping award. I forgot, I watched this on television. *Applause.* Proving that your Board Members walk the walk as well as talk the talk, I guess.

Ms. DiNapoli: Herb and Barbara Sweet, I think I will miss most there ding us when we are not speaking into the mics. This new company has broad shoulders and much to carry on with.

Chairman Dupree: May I get a motion to reopen the public hearing for Town Center North-Mavis Tire? Briefly, they're seeking to convert what we call the former Molloy's, that's an empty building that's been empty at least 10 years into a Mavis. The new structure is on the right. Of note, 5 bays the east and 2 bays face the north containing all sound within the site. At the last meeting we gave them a negative declaration under SEQR. They are before the ZBA seeking 2 variances. As soon as you're done with that we'll be, I think closing the public hearing and considering final approval. In the meantime, Ms. Libolt, update us.

CONTINUED PUBLIC HEARING:

HYDE PARK TOWN CENTER NORTH
Site Plan Approval – Tire Repair (#16-15)
Location: 4280 & 4274 Albany Post Road
Grid #s: 6065-04-919007 & 933017

Mr. Pickett, being recused from this application, stepped off the dais and was replaced by the alternate, Mr. Waters.

MOTION: Ms. Kane
SECOND: Mr. Murphey

To re-open the public hearing for Hyde Park Town Center North-Mavis Tire.

Aye	Ms. Kane
Aye	Mr. Oliver
Aye	Mr. Murphey
Aye	Ms. DiNapoli
Aye	Ms. Dexter
Aye	Mr. Dupree
Aye	Mr. Waters

VOICE VOTE: 7-0 Motion carried

Ms. Libolt and Mr. Alexander attended on the applicant's behalf.

The Chairman received comments from the Board and consultants.

There were no additional comments from the public.

MOTION: Mr. Murphey

SECOND: Mr. Oliver

To adjourn the public hearing for Hyde Park Town Center North-Mavis Tire to June 7, 2017.

Aye	Ms. Kane
Aye	Mr. Oliver
Aye	Mr. Murphey
Aye	Ms. DiNapoli
Aye	Ms. Dexter
Aye	Mr. Dupree
Aye	Mr. Waters

VOICE VOTE: 7-0 Motion carried

Mr. Waters stepped off the dais and Mr. Pickett returned to his seat on the Board.

SMALL WORLD-80 WEST DORSEY

Special Use Permit & Site Plan Application (#2017-09)

Location: 80 West Dorsey Lane

Grid #6163-01-454558

MOTION: Ms. Kane

SECOND: Mr. Oliver

To re-open the public hearing for Small World-80 West Dorsey.

Aye	Ms. Kane
Aye	Mr. Oliver

Aye **Mr. Murphey**
Aye **Ms. DiNapoli**
Aye **Ms. Dexter**
Aye **Mr. Dupree**
Aye **Mr. Pickett**

VOICE VOTE: 7-0 Motion carried

Mike Berta attended on behalf of the applicant. Mr. Berta confirmed that the preexisting septic system was unfortunately on the neighbor's property and that she has requested that they abandon it in place rather than dig up her yard. Mr. Berta indicated that there are 7 bedrooms in the building and Mr. Setaro suggested that the DOH might find their system undersized for that number. All parties were satisfied with the conditions of the resolution with respect to the septic system issue.

MOTION: Mr. Murphey

SECOND: Mr. Oliver

To close the public hearing for Small World-80 West Dorsey.

Aye **Ms. Kane**
Aye **Mr. Oliver**
Aye **Mr. Murphey**
Aye **Ms. DiNapoli**
Aye **Ms. Dexter**
Aye **Mr. Dupree**
Aye **Mr. Pickett**

VOICE VOTE: 7-0 Motion carried

RESOLUTION TO GRANT SITE PLAN AND SPECIAL USE PERMIT APPROVAL

Small World, LLC

May 17, 2017
Resolution: #2017-09A

Moved By: Mr. Murphey
Seconded By: Ms. Kane

WHEREAS, the applicant, Small World, LLC, has submitted an application for site plan and special use permit approval to reconstruct and expand a two-family dwelling on a .34 acre lot containing an existing two-family dwelling, located at 80 West Dorsey Lane in the Neighborhood District, identified as tax parcel no. 6163-01-454558 (the "Project"); and

WHEREAS, the original two-family dwelling was destroyed in a fire; and

WHEREAS, the Project is depicted on a site plan entitled “Small World, LLC” prepared by Michael R. Berta, AIA dated March 21, 2017, last revised April 11, 2017 (the “Site Plan Set”); and

WHEREAS, although the size of the proposed structure will exceed the size of the structure that was destroyed in a fire, no additional bedrooms are proposed as part of the Project; and

WHEREAS, average density in the Neighborhood District is 2 dwelling units per acre and the Project proposes an average density of about 11.76 dwelling units per acre; and

WHEREAS, the preexisting nonconforming density existing on the property has not ceased for over a year and may continue; and

WHEREAS, pursuant to Section 108-6.4 of the Zoning Law, a nonconforming structure may be rebuilt in the event of its total or partial destruction to occupy the same or a lesser amount of footprint, but may not exceed the original height of the totally or partially destroyed structure, subject to Planning Board approval; and

WHEREAS, pursuant to Section 108-6.4B of the Zoning law, the Planning Board may issue a special use permit allowing an expansion of a nonconforming structure by up to 50% of its area in gross square feet at the time of the effective date of the Zoning Law; and

WHEREAS, the applicant has submitted a Short Environmental Assessment Form (“EAF”) dated January 23, 2017, pursuant to the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, on April 5, 2017, the Planning Board classified the action as an unlisted action under SEQRA and determined to conduct an uncoordinated review; and

WHEREAS, on April 5, 2017, the matter was referred to the Dutchess County Department of Planning pursuant to Section 239-m of the GML, which responded on April 25, 2017, that it was a matter of local concern; and

WHEREAS, the Planning Board has reviewed the EAF provided and finds that it contains sufficient information on which to base a determination of significance, has considered the criteria contained in 6 NYCRR 617.7 and thoroughly analyzed all identified relevant areas of environmental concern; and

WHEREAS, a duly noticed public hearing was opened on May 3, 2017 and closed on May 17, 2017, during which all those who wished to speak were heard.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby adopts a negative declaration, determining that the Project will not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement would not be prepared.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Site Plan and Special Use Permit approval to the Project, as shown on the Site Plan Set, and authorizes the Chair or his designee to sign the Site Plan Set after compliance with the following conditions:

- 1. Payment of all fees and escrow.**
- 2. Revision of the Site Plan Set to label the front and rear buildings as Building 1 and Building 2, respectively, consistent with the zoning table.**
- 3. Revision of the Site Plan Set to include an owner's signature block and the Planning Board signature block.**
- 4. Revision of the Site Plan Set to show the removal of the old septic tank, and installation of the new tank and relocated distribution line to the existing leach field. The revisions shall include restoration of the former location of the septic tank.**
- 5. Submission of a San-36 to the Department of Health.**
- 6. Revision of the Site Plan Set to indicate that the new water line will meet Dutchess County Water and Wasterwater Authority Specifications for the total number of bedrooms proposed.**

BE IT FURTHER RESOLVED, that before a certificate of occupancy can be issued for the Project, the applicant must provide the Zoning Administrator with the following:

- 1) Evidence of Department of Health approval of the new septic tank and distribution line relocation.**
- 2) Submission of an as-built survey showing the location of the installed septic tank and distribution line.**

**Aye Mr. Dupree
Aye Ms. DiNapoli
Aye Ms. Dexter
Aye Ms. Kane
Aye Mr. Murphey
Aye Mr. Oliver
Aye Mr. Pickett**

Michael Dupree, Planning Board Chair

VOICE VOTE

7-0

MOTION CARRIED

NEW PUBLIC HEARING:

CARRIAGE TRAILS AT TOWNE CENTRE A. /K. /A. CROFTON MEWS

1 Year Extension to Complete Construction (16-96)

Location: 1269 Route 9G

Grid #: 6165-01-340743

MOTION: Ms. DiNapoli

SECOND: Mr. Oliver

To open the public hearing for Carriage Trails at Towne Centre.

Aye	Ms. Kane
Aye	Mr. Oliver
Aye	Mr. Murphey
Aye	Ms. DiNapoli
Aye	Ms. Dexter
Aye	Mr. Dupree
Aye	Mr. Pickett

VOICE VOTE: 7-0 Motion carried

Joseph Deegan was in attendance for the applicant.

MOTION: Ms. DiNapoli

SECOND: Mr. Oliver

To close the public hearing for Carriage Trails at Towne Centre.

Aye	Ms. Kane
Aye	Mr. Oliver
Aye	Mr. Murphey
Aye	Ms. DiNapoli
Aye	Ms. Dexter
Aye	Mr. Dupree
Aye	Mr. Pickett

VOICE VOTE: 7-0 Motion carried

**RESOLUTION TO GRANT 12 MONTH EXTENSION OF TIME TO
COMPLETE CONSTRUCTION**

CARRIAGE TRAIL AT TOWNE CENTRE

Date: May 17, 2017
Resolution: #16-96GH

Moved by: Mr. Pickett
Seconded by: Mr. Murphey

WHEREAS, on October 15, 2003, the prior applicant, Sarcar, LLC, was granted conditional final site plan approval for a 317 unit development in the Neighborhood Core District, identified as tax map parcel no. 6165-01-340743, formerly known as "Crofton Mews," now identified as "Carriage Trail at Towne Centre"; and

WHEREAS, on September 20, 2006, by Resolution No. 16-96U, the applicant was granted a sixth extension of time to allow it to satisfy the conditions required for final site plan approval, with said extension set to expire on March 15, 2007; and

WHEREAS, in conjunction with the request for a time extension on the site plan approval, the applicant presented to the Planning Board amendments to the site plan that would result in a project superior in design to the originally approved project, said amendments consisting of a new location for an emergency access road significantly shorter in length, and which further provides a reciprocal emergency access to a neighborhood that currently exists without any emergency access point; and

WHEREAS, after careful review and consideration, the Zoning Administrator opined that the requested amendments were not substantial and the Board concurred and granted approval for the amendments to the site plan on March 13, 2007; and

WHEREAS, the applicant returned to the Planning Board for additional amendments to make the units more appealing by offering additional amenities as specified in a letter to the Town Zoning Administrator dated September 19, 2007; and

WHEREAS, on November 7, 2007, by Resolution No. 16-96AA, the Planning Board approved a modification to the site plan as shown on plans prepared by Rhode, Soyka & Andrews, dated October 16, 2006, subject to the conditions that the applicant comply with the conditions and requirements set forth in the conditionally approved site plan resolution dated October 15, 2003 (Resolution No. 16-96F) and that the Town Attorney approve of any and all legal agreements and/or documents relating to the water line and the DCWWA; and

WHEREAS, pursuant to Section 108-9.6(a) of the Code in existence in 2008, "a site plan shall be void and the building permit, if any, shall be revoked if substantial construction is not started within one year and completed within two years of the resolution of the Planning Board approval of the site plan with or without conditions;" and

WHEREAS, on October 15, 2008, the Planning Board granted the applicant a 2-year extension of the time within which the applicant must commence substantial construction to and including November 7, 2010, and the time in which to complete construction to and including November 7, 2011; and

WHEREAS, the Zoning Administrator and the applicant agree that substantial construction on the project, including construction of the roads and infrastructure, has begun; and

WHEREAS, in 2009, Section 108-9.6 of the Zoning Law was amended to require completion of construction within two years of the signing of the site plan by the authorized officer of the Planning Board; and

WHEREAS, on November 17, 2010, by Resolution 16-96DD, the Planning Board granted the applicant a one year-extension of time to complete construction to and including November 7, 2012 and approved minor modifications to the site plan to eliminate seven residential buildings; and

WHEREAS, on October 17, 2012, by Resolution 16-96EE, the Planning Board granted the applicant a two-year extension of time to complete construction to and including November 7, 2014 with conditions, including the requirement that any future request for an extension of time to complete the conditions of approval include recertification of the wetlands boundaries; and

WHEREAS, on January 7, 2015, by Resolution 16-96FF, the Planning Board granted the applicant a seven-month extension of time to complete construction to and including July 7, 2015 with conditions, including the requirement that any future request for an extension of time to complete the conditions of approval include recertification of the wetlands boundaries and repair and reinstallation of all Blanding's turtle mitigation measures; and

WHEREAS, on July 1, 2015, by Resolution 16-96FF, the Planning Board granted the applicant a twelve-month extension of time to complete construction to and including July 7, 2016 with conditions; and

WHEREAS, on May 4, 2016, by Resolution 16-96GG, the Planning Board granted the applicant a twelve-month extension of time to complete construction to and including July 7, 2017 with conditions; and

WHEREAS, Joseph J. Deegan, on behalf of the current owner of the project Key Bank, requested that the Planning Board grant a one year extension of the time to complete construction of the project; and

WHEREAS, pursuant to Section 108-9.6(b) “the Planning Board may, at its discretion, after conducting a public hearing, grant an extension to an approved site plan;” and

WHEREAS, a duly noticed public hearing was held on May 17, 2017 during which all those who wished to speak were heard.

NOW THEREFORE BE IT RESOLVED that pursuant to Section 108-9.6(a) of the Code, the Planning Board hereby grants a twelve month extension of the time in which the applicant must complete construction to and including July 7, 2018.

BE IT FURTHER RESOLVED that:

1. If and when agreement with Dutchess County Water and Wastewater Authority is reached relating to the water line, all legal agreements and/or documents created in connection with the agreement shall be submitted to the Town Attorney and Planning Board Attorney for approval; and

2. Before a building permit may be issued for any improvements to the property, the applicant shall submit a letter of credit or other equivalent security in the amount approved by the Planning Board upon the recommendation of the Town Engineer subject to review by the Town Attorney as to form, sufficiency and manner of execution; and

3. Before a building permit may be issued for any improvements on the property, the applicant shall repair and reinstall all Blanding’s turtle mitigation measures; and

4. No building permit shall be issued until the applicant has submitted an updated SWPPP to the Town which is acceptable to the Planning Board Engineer and Stormwater Management Officer, and has applied for a local stormwater permit; and

5. No certificate of occupancy for the last completed structure on the site shall be issued until an as-built survey has been submitted to the Zoning Administrator.

There will be no written or verbal notification from the Planning Board office to the applicant at such time as the extension expires. Any request for an extension of the deadlines set forth herein must be submitted to the Planning Board at least 30 days in advance of said dates.

**Aye Mr. Dupree
Aye Ms. DiNapoli
Aye Ms. Dexter**

Aye Mr. Pickett
Aye Ms. Kane
Aye Mr. Murphey
Aye Mr. Oliver

VOICE VOTE

7-0

MOTION CARRIED

WORKSHOP:

HYDE PARK FIRE AND WATER DISTRICT

Sign Permit Application (16-32)
Location: 4306 Albany Post Road
Grid#: 6065-04-903074

Robert Brenner of Nixon Peabody and Ray Davis attended on behalf of the applicant. The Chairman received comments from the consultants and the Board members, with Mr. Brenner interjecting with answers or comments. The Chairman reviewed the EAF with the Board and a negative impact was decided. The Chairman called for roll call vote on following resolution:

RESOLUTION DETERMINING APPLICATION OF THE TOWN OF HYDE PARK ZONING LAW TO PROPOSED INTERNALLY ILLUMINATED SIGN

Hyde Park Fire and Water District

Resolution 16-32
Date: May 17, 2017

Moved by: Chairman Dupree
Seconded by: Mr. Murphey

WHEREAS, the Hyde Park Fire and Water District (“HPFWD”) is seeking to construct a free standing internally illuminated monument sign located at 4308 Albany Post Road which does not comply with the Town’s Zoning Laws (the “Proposed Sign”); and

WHEREAS, the Proposed Sign includes an internally illuminated digital reader board which does not comply with the Town’s Zoning Law, although all other portions of the sign will comply; and

WHEREAS, the Proposed Sign is an unlisted action pursuant to 6 NYCRR § § 617.4 and 617.5 of the regulations of the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the HPFWD has asserted that it is exempt from the application of the Town's Zoning Law as a legislatively-created political subdivision of the State of New York which is tax-funded and self-governing, and that to the extent that it is not exempt, that the application of the balancing of public interests test established in *Matter of Cty. of Monroe v. City of Rochester*, 72 NY 2d 338 (1998) to the Proposed Sign will result in a determination that the Proposed Sign may be constructed; and

WHEREAS, an agency of the differing governmental jurisdictions must hold a public hearing and apply the balancing of public interests test to determine whether the Proposed Sign should be exempt from the Town's Zoning Law; and

WHEREAS, by resolution No. 6:20 – 8 of 2016, the Hyde Park Town Board designated the Planning Board as the appropriate Board within the Town to conduct the Monroe balancing test and public hearing in connection with the Proposed Sign; and

WHEREAS, the Proposed Sign is depicted on elevations prepared by GNS Group, dated January 25, 2014, last revised June 17, 2016, and described in supplemental materials provided by Nixon, Peabody, LLP on June 29th, 2016 and April 28, 2017; and

WHEREAS, a duly noticed public hearing was held on April 5, 2017, during which the Planning Board accepted comments on whether and to what extent the Town's Zoning Law should apply to the Proposed Sign, taking into account the nine factors set forth in *Matter of Cty. of Monroe v. City of Rochester*, and

WHEREAS, as part of the proceedings, the HPFWD has agreed to enter into a Memorandum of Understanding with the Town Board identifying the self-imposed restrictions on the use of the Proposed Sign; and

WHEREAS, the restrictions on the use of the Proposed Sign are set forth in a letter dated April 28, 2017 from Nixon Peabody and include the following (the "Use Restrictions"):

1. The HPFWD will utilize the dynamic messaging portion of the sign only for public safety, emergency and/or local district information.
2. The logo on the proposed sign will not be illuminated at any time.
3. The HPFWD will, only in limited circumstances, and only to convey public-safety related messaging, utilize images on the proposed messaging board. Any images placed on the dynamic messaging portion of the sign will be at all times static in nature (as further discussed in paragraph 4). No permanent images are proposed to be placed on the sign (e.g., the HPFWD logo or an image of Franklin D. Roosevelt).
4. Any content display on the sign will be static only, and will not have movement, or the appearance or the illusion of movement, of any part of

the sign structure, design or pictorial segment of the sign including the movement or any appearance of movement of any illumination or the flashing, scintillating or varying of light intensity.

5. Any text placed on the messaging portion of the sign will remain unchanged for a period of no less than fifteen (15) minutes (except in emergency situations). Further, in an effort to be consistent with dynamic messaging regulations in nearby Towns, the HPFWD will display no more than four (4) different messages per day (except in emergency situations).
6. Any change of message will be completed immediately without pauses and all parts of the message will change simultaneously.
7. The messaging portion of the sign will be turned off and not operational between the hours of 11:00 p.m. and 6:00 a.m. (except in emergency situations). The name of the public safety organization and street address number will remain illuminated to allow the firehouse location to be readily ascertainable to those in need.
8. All copy, characters or other changeable images will be one color only with light copy on a dark background. If used, red text will only be displayed on the messaging portion of the sign in emergency situations. Other colors will be utilized for routine messaging and/or emergency situations as appropriate. No neon colors will be used.

WHEREAS, the Planning Board has considered the criteria contained in 6 NYCRR 617.7 and thoroughly analyzed all identified relevant areas of environmental concern.

NOW THEREFORE BE IT RESOLVED, that the Planning Board adopts a negative declaration for the Proposed Sign and determines that a Draft Environmental Impact Statement will not be prepared.

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings pursuant to *Matter of Cty. of Monroe v. City of Rochester*:

1. The nature and scope of the instrumentality seeking immunity: The HPFWD was originally formed by a special act of the New York State Legislature under chapter 257 of the Laws of 1860 and is a distinct, chartered, territorial division of New York State. HPFWD's Charter was thereafter amended by chapter 711 of the Laws of 1954 (which defines HPFWD as a separate and distinct "district corporation") and later by chapter 57 of the Laws of 1958. Section 2.00(3)(c) of Article 1 of the "Local Finance Law defines the term 'district corporation' as meaning any (other) territorial division of the State which possesses the power to contract indebtedness in its own name and to levy taxes (powers which are specifically granted to [HPFWD] in its charter)," in addition to the public safety

services that HPFWD provides to residents of the Town in the ordinary course. See *Hyde Park Fire & Water Dist. v. Cty. of Dutchess*, 97 Misc. 2d 104, 105-06 (Sup. Ct. Dutchess Cty. 1978).

HPFWD has no independent sovereignty of its own, although HPFWD's formation sets it apart from most other fire districts in the Town, which were created pursuant to the NYS Town Law.

2. The encroaching government's legislative grant of authority: The HPFWD provides fire protection and emergency health services within its service area. Its powers include the power to: 1) furnish fire fighting protection, service and facilities to the real property situated within the district, including constructing equipment for the prevention of fires and emergency relief; 2) acquire real property for its corporate purposes; 3) erect and construct buildings for the preservation, protection and storing of fire apparatus and equipment, and for the social and recreational use of the firemen and residents of the district; and 4) acquire by gift or bequest, personal property, including money, for its corporate purposes. See Chapter 711 of the Laws of 1954 and Chapter 57 of the Laws of 1958.

The Planning Board finds that the Proposed Sign is consistent with the purposes of HPFWD to construct equipment to prevent fires and provide emergency relief, and identify the location of the firehouse.

3. The kind of function or land use involved: The Fire District is proposing to erect a free standing monument sign that would have an internally illuminated digital reader board. The reader board would be used only to convey public-safety messaging and local district information.
4. The effect local land use regulation would have on the enterprise concerned: The digital reader board is internally illuminated and is prohibited by the Town's Zoning Law. A static reader board, as exists on the current sign, which is not internally illuminated is permitted.
5. Alternative locations for the facility in less restrictive zoning areas: The Town's Zoning Law applies throughout the Town and the Proposed Sign would not be permitted in any other location.
6. The impact upon legitimate local interests: The Town has a vested interest in maintaining the aesthetic qualities of the Town and in achieving compliance with its sign regulations. In keeping with Hyde Park's nationally renowned historic resources, the Town strives to increase its appeal to tourists and visitors. The HPFWD has voluntarily proposed limitations on the use of the Proposed Sign to

decrease potential negative impacts on traffic safety and aesthetics and will enter into an agreement with the Town Board to permit enforcement of these restrictions.

7. Alternative methods of providing the proposed improvement: The HPFWD currently has a sign with a non-digital reader board where safety information is displayed. Because a person must physically change the lettering on the sign the HPFWD cannot provide real-time emergency information to persons driving by the Proposed Sign. The HPFWD could provide emails and text alerts to residents to keep up to date on current safety issues, but has noted that such systems are limited to informing people who have proactively signed up for such services and would not reach visitors to the Town. In addition, the existing non-digital reader board is restricted to a length causing certain longer safety announcements to be foreshortened or not displayed at all.
8. The extent of the public interest to be served by the improvements: Public safety will be enhanced by the provide real time emergency alerts to persons driving or walking by or the Proposed Sign.
9. Intergovernmental participation in the project development process and an opportunity to be heard: The Planning Board has held a public hearing allowing members of the public, the HPFWD, and town officials the opportunity to be heard.

BE IT FURTHER RESOLVED, that based on the foregoing, the Planning Board finds that:

1. Having performed the balancing analysis required by *Matter of County of Monroe v. City of Rochester*, it is in the public interest that the sign regulations in the Zoning Law of the Town of Hyde Park be followed to the greatest extent practicable, with due consideration of the public service performed by the HPFWD; and

2. With respect to the digital reader board, the interests of the HPFWD in providing up to date information to residents of the Town and visitors passing by the Proposed Sign, including emergency information and district-specific information, in accordance with the Use Restrictions, outweighs the Town's interest in having universal compliance with its sign regulations and in particular the restriction on internally illuminated signage. The Planning Board further finds that the Use Restrictions mitigate potential safety issues and are an integral part of the Planning Board's balancing analysis.

BE IT FURTHER RESOLVED, that the Planning Board of the Town of Hyde Park hereby recommends that the Zoning Administrator grant a sign permit for the Proposed Sign.

**Aye Mr. Dupree
Nay Ms. DiNapoli
Nay Ms. Dexter
Nay Ms. Kane
Aye Mr. Murphey
Aye Mr. Oliver
Aye Mr. Pickett**

ROLL CALL VOTE 4-3 MOTION CARRIED

ANDERSON CENTER FOR AUTISM

Site Plan Amendment (2017-17)
Location: 4280 & 4274 Albany Post Road
Grid #s: 6065-04-919007 & 933017

Maria Espie from Anderson Center for Autism and Mark Day from Mark Day Engineering were in attendance. Mr. Day reviewed the proposed site plan amendments for the Board. Mr. Setaro suggested that they add a chart and label the existing buildings on this new survey and provide an enlarged map of the Maintenance building area. Mr. Day showed a survey revision in which he added this detail per Mr. Setaro's suggestion. Ms. Polidoro advised them to think about phasing the individual projects as they don't have funds raised for everything at this time. The Planning Board members were highly complementary about the positive affect of the work that the Anderson Center for Autism does, the removal of the propane farm and conversion to natural gas, as well as the future improvements.

MOTION: Mr. Murphey
SECOND: Ms. DiNapoli

To set a public hearing for the Anderson Center for Autism on June 21, 2017.

**Aye Ms. Kane
Aye Mr. Oliver
Aye Mr. Murphey
Aye Ms. DiNapoli
Aye Ms. Dexter
Aye Mr. Dupree
Aye Mr. Pickett**

VOICE VOTE: 7-0 Motion carried

**RESOLUTION TYPING ACTION AND REFERRING THE APPLICATION TO
THE DUTCHESS COUNTY DEPARTMENT OF PLANNING AND
DEVELOPMENT**

**Anderson Center for Autism
Storage Sheds, Water Feature and Pavilion**

Date: May 17, 2017

Moved By: Ms. Dexter

Resolution: #2017-17

Seconded By: Mr. Oliver

WHEREAS, the applicant, Anderson Center Services, Inc, has submitted an application for site plan amendment approval to construct a 84' x 80' equipment shed, relocate a storage trailer, erect a 30' x 30' pavilion, erect a 36' x 75' water feature, construct a garden deck, eliminate a propane tank farm and make various other improvements (the "Project") at its campus located at the Anderson Center for Autism, identified as tax id no. 6066-02-709698, -778644 & -832645 (the "Site"); and

WHEREAS, the applicant has submitted a Full Environmental Assessment Form ("EAF") dated April 27, 2017; and

WHEREAS, in accordance with the New York State Environmental Quality Review Act ("SEQRA"), said Board is required to determine the classification of the proposed action; and

WHEREAS, pursuant to 6 NYCRR § 617.4(b)(9), any unlisted action occurring wholly or partially within, or substantially contiguous to, any historic building, structure, facility, site or district listed on the Nation Register of Historic Places, is a Type I action; and

WHEREAS, the Site is located within the Hudson River Historic District; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, projects located within 500 feet of a state highway must be referred to the Dutchess County Department of Planning and Development for a report and recommendation thereon.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby:

- 7. Classifies the project as a Type I action.**
- 8. Declares itself lead agency as it is the only involved agency.**
- 9. Directs its secretary to refer the application to the Dutchess County Department of Planning and Development pursuant to Section 239-m of the General Municipal Law.**
- 10. Directs its secretary to refer the application to the Town of Esopus for comment pursuant to Section 239-nn of the General Municipal Law, along with a copy of the public hearing notice.**

Aye Mr. Dupree
Aye Ms. DiNapoli
Aye Ms. Dexter
Aye Ms. Kane
Aye Mr. Murphey
Aye Mr. Oliver
Aye Mr. Pickett

VOICE VOTE

7-0

MOTION CARRIED

OTHER BUSINESS:

CHEN, QIAN

Site Plan Waiver-Siding, Windows, AC, Pool Fence (2017-21)
Location: 18 Scenic Drive
Grid#: 6066-04-680014

Qian Chen
6066-04-680014
18 Scenic Drive
SITE PLAN Waiver
Town Code Section 108-9.4 C 2

May 17, 2017
Resolution #: 2017-21

Moved By: Mr. Oliver
Seconded By: Mr. Murphey

Whereas, a request for Site Plan Waiver has been made to the Town of Hyde Park Planning Board by Qian Chen, for minor changes on the property associated with a single family home requiring a building permit, and,

***Whereas*, the proposed change is declared a Type II action under SEQRA, and**

***Whereas*, the applicant is proposing to install a pool fence, new siding, new windows and a new AC unit, and**

***Whereas*, the proposed changes are minor in nature, and**

Whereas, Section 108-9.4 C 2, allows the Planning Board to waive the site plan procedures for minor changes requiring a building permit, and

***Whereas*, no other changes have been requested at this time and whereas the applicant is required to return to the Planning Board for all other changes to the approved plans, now**

Whereas, the proposed changes are minor in nature, and

Whereas, Section 108-9.4 C 2, allows the Planning Board to waive the site plan procedures for minor changes requiring a building permit, and

Whereas, no other changes have been requested at this time and whereas the applicant is required to return to the Planning Board for all other changes to the approved plans, now

THEREFORE BE IT RESOLVED, that the Town of Hyde Park Planning Board hereby waives site plan requirements for the proposed changes as described in the request to the planning board dated May 12, 2017, by Mary Van Wagner and Kyle Van Wagner.

Aye	Mr. Pickett
Aye	Mr. Murphey
Aye	Ms. Dexter
Aye	Mr. Oliver
Aye	Ms. DiNapoli
Aye	Ms. Kane
Aye	Mr. Dupree

VOICE VOTE 7-0 MOTION CARRIED

CERVONI, THOMAS

Site Plan Waiver-Window Removal (2017-23)
Location: 32 Mulford Avenue, Staatsburg
Grid#: 6167-03-101361

Cervoni and Chaffee
6167-03-101361

32 Mulford Avenue
SITE PLAN Waiver

Town Code Section 108-9.4 C 2

May 17, 2017
Resolution #: 2017-23

Moved By: Ms. DiNapoli
Seconded By: Mr. Murphey

Whereas, a request for Site Plan Waiver has been made to the Town of Hyde Park Planning Board by Bruce Brammer, representing the owners Thomas Cervoni and Donna Chaffee, for minor changes on the property associated with a single family home requiring a building permit, and,

Whereas, the proposed change is declared a Type II action under SEQRA, and

Whereas, the applicant is proposing to renovate the kitchen, eliminate a window and install matching siding, and

Whereas, the proposed changes are minor in nature, and

Whereas, Section 108-9.4 C 2, allows the Planning Board to waive the site plan procedures for minor changes requiring a building permit, and

Whereas, no other changes have been requested at this time and whereas the applicant is required to return to the Planning Board for all other changes to the approved plans, now

THEREFORE BE IT RESOLVED, that the Town of Hyde Park Planning Board hereby waives site plan requirements for the proposed changes as described in the request to the planning board dated May 16, 2017. .

Aye Mr. Pickett
 Aye Mr. Murphey
 Aye Ms. Dexter
 Aye Mr. Oliver
 Aye Ms. DiNapoli
 Aye Ms. Kane
 Aye Mr. Dupree

VOICE VOTE

7-0

MOTION CARRIED

Date: May 17, 2017
 Resolution #: 17-F

Moved by: Chairman Dupree
 Seconded by: Ms. DiNapoli

Application	Project #	Engineer/Planner	Attorney	Total
Emergency One	16-48	\$3,362.00	\$830.50	\$4,192.50
Gomes S/D	23-04	\$117.35	\$940.25	\$1,057.60
Hyde Park ALF	17-13	\$534.70	\$507.66	\$1,042.36
HP Truck and Auto	15-06	\$16.00		\$16.00
Kitovas	43-12	\$30.20		\$30.20
Page Plaza Healthcare	65-12 and 14-52	\$561.30	\$522.25	\$1,083.55
Tomelia Sail and Canvas	30-11	\$209.50		\$209.50

Aye Ms. DiNapoli
Aye Ms. Dexter
Aye Mr. Dupree
Aye Mr. Pickett
Aye Ms. Kane
Aye Mr. Murphey
Aye Mr. Oliver

VOICE VOTE 7-0 Motion Carried

MOTION: Mr. Murphey

SECOND: Ms. DiNapoli

To adjourn.

Aye Ms. Kane
Aye Mr. Oliver
Aye Mr. Murphey
Aye Ms. DiNapoli
Aye Ms. Dexter
Aye Mr. Dupree
Aye Mr. Pickett

VOICE VOTE: 7-0 Motion carried